

REMARKS

Applicants have carefully considered the January 8, 2008 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance.

Claims 1 and 4-15 are pending in this application. The Examiner's attention is directed to the Amendment under 37 C.F.R. § 1.116 previously filed on May 24, 2007. Applicants note that the Examiner denied entry of this after-final amendment in the Advisory Action dated June 28, 2007. Thus, claims 1 and 4-15, as presented in the November 7, 2006 Amendment under 37 C.F.R. § 1.111, are now pending. The Examiner failed to address independent claims 13 and 15 in the Office action. The Examiner is requested to address these claims in the next Office action so that Applicants can be afforded the opportunity to address any non-final rejection or objection. In the absence of any rejection or objection, it is believed that independent claims 13 and 15 are in condition for allowance.

In response to the Office Action dated January 8, 2008, claim 1 has been amended. No new matter has been entered. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Entry of the present response is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1, 4, 6-8 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious over Kim et al. (U.S. Pat. App. Pub. No. 2004/0109650, hereinafter "Kim") in view of Ono et al. (U.S. Pat. App. Pub. No. 2003/0158309, hereinafter "Ono"). Applicants traverse.

Independent claim 1 describes, in pertinent part, a buffered optical fiber wherein the second resin composition comprises, as the base polymer, one of components selected from the group consisting of a mixture of polystyrene-based polymer and polyphenylene ether polymer, and a mixture of polystyrene-based elastomer and polyphenylene ether polymer.

The Examiner admitted that the primary reference to Kim is silent as to the claimed second resin composition, but nevertheless turned to Ono for allegedly disclosing the same. Ono is directed to aromatic polycarbonate resin compositions and, therefore, fails to disclose a mixture of polystyrene-based polymer and polyphenylene ether polymer, or a mixture of polystyrene-based elastomer and polyphenylene ether polymer, as required in amended claim 1. See Ono at claim 1 for disclosing an aromatic polycarbonate resin of 50 to 100% as a main component.

Moreover, Ono is silent as to using its aromatic polycarbonate resin compositions for coating optical fibers. The hard resin of Ono is used for exterior and interior parts for OA equipment and home electric appliances and it is hard. However, a buffered optical fiber of the present invention is not rigid. It is wired by being bent -- gently. The polycarbonate resin of Ono is not suitable for the buffered optical fiber of the present invention.

Thus, even if the applied Kim and Ono references are combined as suggested by the Examiner, subject matter of independent claim 1 will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). If any independent claim is non-

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obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, the rejection with respect to dependent claims 4, 6-8 and 14 is not legally viable in view of their dependency from independent claim 1. Reconsideration and withdrawal of the rejection are solicited.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter for claims 5 and 9-12. Applicants note the Examiner's Statement of Reasons for Allowance included on page 5 of the Office action. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the reasoning stated by the Examiner. The Statement of Reasons for Allowance should not be used to interpret the cited claims, particularly to the extent if any that the Statement of Reasons for Allowance may differ from the express language of the claims and/or the otherwise proper construction of those claims. It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

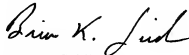
It is believed that pending claims 1 and 4-15 are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Brian K. Seidleck".

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